



TO: Laura Aznavoorian, Litigation Supervisor
Gallagher Bassett Services, Inc.
1901 S. Meyers Rd, Suite 200C
Oakbrook Terrace, IL 60181

RE: **Process Served in Georgia**

FOR: Costco Wholesale Corporation (Domestic State: WA)

**Service of Process
Transmittal**

01/06/2022
CT Log Number 540838723

ENCLOSED ARE COPIES OF LEGAL PROCESS RECEIVED BY THE STATUTORY AGENT OF THE ABOVE COMPANY AS FOLLOWS:

TITLE OF ACTION:	Re: DIANDRA JONES // To: Costco Wholesale Corporation
DOCUMENT(S) SERVED:	--
COURT/AGENCY:	None Specified Case # 21SV0660E
NATURE OF ACTION:	Personal Injury - Failure to Maintain Premises in a Safe Condition
ON WHOM PROCESS WAS SERVED:	C T Corporation System, Lawrenceville, GA
DATE AND HOUR OF SERVICE:	By Process Server on 01/06/2022 at 10:52
JURISDICTION SERVED :	Georgia
APPEARANCE OR ANSWER DUE:	None Specified
ATTORNEY(S) / SENDER(S):	None Specified
ACTION ITEMS:	CT has retained the current log, Retain Date: 01/06/2022, Expected Purge Date: 01/21/2022 Image SOP Email Notification, Laura Aznavoorian laura_aznavoorian@gbtpa.com Email Notification, Zois Johnston zjohnston@costco.com Email Notification, Maureen Papier maureen_papier@gbtpa.com
REGISTERED AGENT ADDRESS:	C T Corporation System 289 S. Culver St. Lawrenceville, GA 30046 866-665-5799 SouthTeam2@wolterskluwer.com

The information contained in this Transmittal is provided by CT for quick reference only. It does not constitute a legal opinion, and should not otherwise be relied on, as to the nature of action, the amount of damages, the answer date, or any other information contained in the included documents. The recipient(s) of this form is responsible for reviewing and interpreting the included documents and taking appropriate action, including consulting with its legal and other advisors as necessary. CT disclaims all liability for the information contained in this form, including for any omissions or inaccuracies that may be contained therein.

E-filed in Office
 Clerk of State Court
 12/30/2021
 Coweta County, GA
 Sheila Echols, Clerk

IN THE STATE COURT OF COWETA COUNTY, GEORGIA
 PHYSICAL ADDRESS: 72 GREENVILLE STREET, NEWNAN, GEORGIA 30263
 MAILING ADDRESS: P.O. BOX 884, NEWNAN, GEORGIA 30264
 TELEPHONE (770) 254-2699 * FACSIMILE (770) 252-6422

Diandra Jones

Plaintiff

Vs.

21SV0660E

Case Number

Costco Wholesale Corporation

Defendant

SUMMONS

TO THE ABOVE NAMED DEFENDANT(S):

You are hereby summoned and required to file with the Clerk of said Court and serve upon Plaintiff's Attorney, whose name and address is:

Calvin Smith, II., P.C., Attn: Daniel M. Johnson

3560 Lenox Road, N.E., Suite 3020

Atlanta, GA 30326

answer to the complaint which is herewith served upon you, within 30 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, Judgment by default will be taken against you for the relief demanded in the complaint.

**SHEILA W. ECHOLS
 CLERK OF COURT
 State Court of Coweta County**

By: /s/Sheila W Echols

Deputy Clerk
EECC

E-filed in Office
Clerk of State Court
12/30/2021
Coweta County, GA
Sheila Echols, Clerk

**IN THE STATE COURT OF COWETA COUNTY
STATE OF GEORGIA**

DIANDRA JONES,

Plaintiff,

vs.

COSTCO WHOLESALE CORPORATION,

Defendant.

CIVIL ACTION

Case No.: 21SV0660E

Jury Trial Demanded

COMPLAINT

COMES NOW Diandra Jones, (herein after "Plaintiff"), and makes and files this complaint against Defendant Costco Wholesale Corporation (herein after "Defendant") as follows:

JURISDICTION AND VENUE

1.

Plaintiff resides at 178 Dakotahs Bend, Newnan, Georgia 30263, and is subject to the jurisdiction of this court.

2.

Defendant is a foreign corporation existing under the laws of the State of Washington, licensed to do business in the State of Georgia, and transacts business in Sharpsburg, Coweta County, Georgia. Defendant may be served through its registered agent CT Corporation System at 289 S. Culver Street, Lawrenceville, GA 30046-4805, and is subject to the jurisdiction of this court.

3.

Jurisdiction and venue are proper in this court.

STATEMENT OF FACTS

4.

Plaintiff realleges and incorporates herein the allegations contained in paragraphs one (1) through three (3) above as if fully restated.

5.

On May 9, 2020, Plaintiff was an invitee at Costco Wholesale Corporation located on 40 Fischer Crossings Blvd., Sharpsburg, GA 30277.

6.

Plaintiff slipped and fell on a wet floor close to the entrance of the store where employees check invitees' membership.

7.

There were no cones or other warnings around the wet floor at the time of the fall.

8.

Defendant had exclusive ownership, possession, and control over the Costco store located at 40 Fischer Crossings Blvd., Sharpsburg, GA 30277 at all times relevant to this litigation.

9.

As a result of Plaintiff's fall, Plaintiff suffered the following injuries:

1. Tenderness along medial arch foot and along peroneal tendons.
2. Tenderness of the posterior tibialis tendon.
3. Subtalar joint effusion left foot.
4. Subcutaneous soft tissue edema along ankle joint, left foot.
5. A bony prominence at the inferior aspect of the lateral cuneiform, right foot.
6. Unspecified strain of right foot.....S93.601D
7. Unspecified strain of left foot.....S93.602D
8. Pain in right footM79.671
9. Pain in left foot.....M79.672

Plaintiff was otherwise injured.

PREMISES LIABILITY

10.

Plaintiff realleges and incorporates herein the allegations contained in paragraphs one (1) through nine (9) above as if fully restated.

11.

Plaintiff was an invitee on the premises at the time of the fall.

12.

Defendant owed a nondelegable duty of reasonable care in keeping the premises safe for invitees such as Plaintiff.

13.

Defendant was negligent in failing to inspect the area where the fall occurred, in failing to remove the hazard from the floor, in failing to take adequate measures to protect invitees from substances on the floor, and in failing to keep the premises safe for invitees.

14.

Defendant, by and through its employees, had actual knowledge of the existence of the dangerous and hazardous condition on the floor which caused Plaintiff to fall and resulted in serious injuries.

15.

Even though Defendant possessed such knowledge, by and through its employees, Defendant took no steps or actions, to either warn its patrons of the existence of such a condition, or to timely remove the foreign substance or liquid from the floor.

16.

Defendant had constructive notice and knowledge of the presence of the dangerous and hazardous condition by virtue of attendant facts and circumstances which existed at the time of this occurrence complained of herein. Defendant negligently failed to inspect the premises to keep them safe, and negligently failed to have in place sufficient policies, practices, and procedures, which, in the exercise of ordinary care and diligence, would have prevented the occurrence of which Plaintiff complains.

17

Defendant's negligence was the proximate cause of Plaintiff's injuries.

VICARIOUS LIABILITY

18.

Plaintiff realleges and incorporates herein the allegations contained in paragraphs one (1) through seventeen (17) above as if fully restated.

19.

At all times relevant to this action, the individuals responsible for inspecting, cleaning, and maintaining the area where Plaintiff fell were employed by Defendant and were acting within the scope of their employment.

20.

Defendant is responsible for the conduct of these individuals under the doctrine of *respondeat superior*, agency or apparent agency.

NEGLIGENT TRAINING & SUPERVISION

21.

Plaintiff realleges and incorporates herein the allegations contained in paragraphs one (1) through twenty (20) above as if fully restated.

22.

Defendant was negligent in failing to adopt appropriate policies and procedures to make sure that appropriate inspections, cleaning, and maintenance were performed on the premises and in failing to train its employees concerning safety procedures for inspecting, cleaning, and maintaining the premises.

23.

Defendant was negligent in training and supervising its staff.

24.

As a result of Defendant's negligence in training and supervising its employees, Plaintiff was injured on the premises.

DAMAGES

25.

Plaintiff realleges and incorporates herein the allegations contained in paragraphs one (1) through twenty-four (24) above as if fully restated.

26.

Plaintiff suffered serious physical pain, mental anguish, and serious bodily injuries as a direct and proximate result of the negligence of the Defendant, its agents, servants and/or employees. As a proximate result of the negligence of the Defendant, its agents and employees, Plaintiff has experienced pain and suffering and will continue to experience pain and suffering and mental anguish in the future. Plaintiff shows that the direct and proximate cause of the injuries and damages

complained of herein were due to the acts and omissions of Defendant as set forth herein.

27.

Plaintiff has incurred medical expenses because of this incident, including \$2,330.00 with Barbour Orthopaedics, and \$3,900.00 with Elite Radiology. Plaintiff may require further treatment and may incur additional medical expenses for care and treatment in the future. Plaintiff is entitled to recover from Costco Wholesale Corporation, for past and future medical expenses in an amount to be proven at trial.

28.

Plaintiff is entitled to recover from Defendant in an amount to be determined by the jury at trial for past, present, and future pain and suffering in an amount to be proven at trial.

WHEREFORE, Plaintiff prays that she has a trial on all issues and judgment against Defendant as follows:

- (a) That process issue to Defendant as required by law;
- (b) That Plaintiff recover the full value of past and future medical expenses and past and future lost wages in an amount to be proven at trial;
- (c) That Plaintiff recover for mental and physical pain and suffering and emotional distress in an amount to be determined by the enlightened conscience of the jury;
- (d) That Plaintiff be awarded reasonable attorney's fees;
- (e) That Plaintiff recover such other and further relief as is just and proper;
- (f) That all issues be tried before a jury.

(Signature of following page)

Complaint- 6

EXHIBIT A

This 30th day of December, 2021.

Respectfully submitted by:

W. CALVIN SMITH, II, P.C.



Daniel Michael Johnson, Esq.
GA Bar: 159053
Attorney for Plaintiff
djohnson@calvinsmithlaw.com

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